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03
04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

06 CHARLES V. FARNSWORTH,) CASE NO. C08-0820-JCC
07 Plaintiff,)
08 v.) REPORT AND RECOMMENDATION
09 ROBERT J. PALMQUIST, et al.,)
10 Defendants.)
11 _____)

12 Plaintiff is a federal prisoner who is currently incarcerated at the United States Penitentiary
13 at Lompoc, California. He filed the instant action in May 2008 while incarcerated at the Federal
14 Detention Center in SeaTac, Washington ("FDC SeaTac"). He alleged in his complaint for
15 declaratory judgment¹ that the Warden of FDC SeaTac, Robert Palmquist, failed to ensure that
16 there were effective informal resolution procedures in place at the institution. Plaintiff identified
17 Warden Palmquist and the Federal Bureau of Prisons as defendants in his complaint.

18 On August 12, 2008, defendants filed a motion for summary judgment. Defendants argued
19 therein that plaintiff's claim fails for three independent reasons: (1) the claim is moot because
20 plaintiff is no longer confined at FDC SeaTac; (2) plaintiff failed to exhaust his administrative

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22 ¹ Plaintiff identified 28 U.S.C. § 2201 as the basis of this Court's jurisdiction over this
action.

01 remedies; and, (3) the claim fails as a matter of law. (Dkt. No. 18) That motion was originally
02 noted on the Court's calendar for consideration on September 5, 2008. (*Id.*)

03 Plaintiff did not file a response to defendants' motion. Instead, plaintiff filed a motion to
04 amend his complaint together with a motion to stay defendants' motion for summary judgment
05 pending disposition of the motion to amend. (*See* Dkt. Nos. 20 and 22.) Plaintiff, by way of his
06 motion to amend, sought to substitute claims concerning the visitation policies at FDC SeaTac for
07 his original claims concerning the grievance process, and to substitute a request for money
08 damages for his original request for declaratory judgment. (*See* Dkt. No. 20.) On October 9,
09 2008, this Court issued an Order denying plaintiff's motion to amend and re-noting defendants'
10 motion for summary judgment. (Dkt. No. 27.) On October 30, 2008, plaintiff filed a motion to
11 dismiss his complaint. (Dkt. No. 28.) Plaintiff acknowledged therein that the claims asserted in
12 his original complaint were moot because of his transfer out of defendants' custody and that, in
13 light of this Court's denial of his motion to amend his complaint, dismissal was appropriate.

14 As the parties appear to agree that the claims asserted by plaintiff in his original complaint
15 for declaratory judgment are moot, this Court recommends that the pending motions to dismiss
16 the complaint as moot be granted.

17 DATED this 20th day of November, 2008.

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20 Mary Alice Theiler
United States Magistrate Judge